of motor carriers using the operator's services, to drive for any period after—

(1) Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate every day in the week; or

(2) Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier (who operates every day of the week) chooses to use this option;

(3) *Exception:* This paragraph shall not apply to any driver driving a motor vehicle in the State of Alaska, as provided in paragraph (e) of this section, or to any driver-salesperson whose total driving time does not exceed 40 hours in any period of 7 consecutive days.

(c) The provisions of paragraph (a) of this section shall not apply with respect to—

(1) Drivers used wholly in driving motor vehicles having not more than 2 axles and whose gross weight, as defined in § 390.10, does not exceed 10,000 pounds, unless such vehicle is used to transport more than 15 passengers, or hazardous materials of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Hazardous Materials Regulations, § 177.823 of this title, or when operated without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations, and

(2) Drivers of motor vehicles engaged solely in making local deliveries from retail stores and/or retail catalog businesses to the ultimate consumer, when driving solely within a 100-air mile radius of the driver's work-reporting location, during the period from December 10 to December 25, both inclusive, of each year.

* * * * *

(e) An operator who is driving a motor vehicle in the State of Alaska must not drive or be permitted to drive—

(1) More than 15 hours following 8 consecutive hours off duty;

(2) After being on duty for 20 hours or more following 8 consecutive hours off duty;

(3) After being on duty for 70 hours in any period of 7 consecutive days, if the employing motor carrier does not operate every day of the week; or

(4) After being on duty for 80 hours in any period of 8 consecutive days, if the employing motor carrier operates every day in the week.

* * * * *

5. Section 395.8(d) and (l)(1)(ii) are revised to read as follows:

§ 395.8 Driver's record of duty status.

* * * * *

(d) The following information must be included on the form in addition to the grid:

(1) Date;

(2) Total miles driving today;

(3) Truck or tractor and trailer number;

(4) Name of carrier;

(5) Driver's signature/certification;

(6) 24-hour period starting time (e.g. midnight, 9:00 a.m., noon, 3:00 p.m.);

(7) Main office address;

(8) Remarks;

(9) Name of co-driver;

(10) Total hours (far right edge of grid); and

(11) Shipping document number(s), or name of shipper and commodity.

* * * * *

(l) *Exceptions—(1) 100 air-mile radius driver.* A driver is exempt from the requirements of this section if:

(i) * * *

(ii) The driver, except a driver salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;

* * * * *

[FR Doc. 86-10402 Filed 5-8-86; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking filed by Mr. John Diehl, asking this agency to delete the requirements for tire strength and tubeless tire resistance to bead unseating from its standard for new passenger car tires. Mr. Diehl stated in his petition that these requirements are no longer necessary because of improvements that have been made to tires and wheels since 1967, when the standard was initially established.

The petition is denied for the following reasons. Some tires and wheels of older design may still be produced, which designs would not necessarily incorporate the improvements noted in the petition. For such older tire and wheel designs, the performance requirements still serve to ensure that the driving public is afforded adequate safety protection. In the case of newer tire designs that incorporate the improvements referenced in the petition, the agency does not believe that the continuing existence of these performance requirements imposes a burden. If a tire manufacturer is certain that these newer tire designs will comply with the two performance requirements, it is a simple matter for the manufacturer to certify compliance without conducting any further testing or analyses. Thus, even if these two performance requirements were outdated for some newer tire designs, they would not impose a burden on tire manufacturers. Since these requirements may still be necessary for some tires and do not cause a burden with respect to tires for which they may not be necessary, the petition for rulemaking is denied.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Cook, Office of Vehicle Safety Standards, NHTSA, 400 Seventh Street, SW., Washington, DC 20590 (202-426-2715).

SUPPLEMENTARY INFORMATION: Mr. John Diehl filed a petition with this agency asking for amendments to Standard No. 109, *New Pneumatic Tires—Passenger Cars* (49 CFR 571.109). Standard No. 109 specifies dimensional and labeling requirements for these tires, as well as performance requirements for tubeless tire resistance to bead unseating, strength, endurance, and high speed performance. The petition asked NHTSA to delete the performance requirements for tire strength (S4.2.2.4) and tubeless tire resistance to bead unseating (S4.2.2.3).

According to the petition, both performance requirements were necessary when Standard No. 109 was established in 1967. However, the petition alleges that improvements in tire and wheel design and manufacturing have made these tests no longer necessary. In light of these improvements, the petition stated that "there is no reason to require [tire] companies and testing laboratories to continue these two items of testing." Therefore, the petition asked that Standard No. 109 be amended to delete these two performance requirements.

NHTSA agrees with the statement that very noteworthy improvements in tire and wheel design and manufacturing have been made since 1967. However, tires that do not incorporate these improvements may still be manufactured for use on older vehicles, as the manufacturer's least expensive tires, and so forth. The current performance requirements for strength and tubeless tire resistance to bead unseating are not outdated or

irrelevant for such tire designs. In these instances, granting the petition and deleting these two performance requirements could lessen the safety of tires in use on the public roads.

For the newer tire designs that incorporate the improvements referenced in the petition, NHTSA does not believe that these performance requirements impose an unnecessary burden. Contrary to the assertion in the petition, NHTSA does *not* require tire companies or any other regulated parties to conduct testing. Instead, the agency requires those parties to certify that each of their products complies with all applicable safety standards. In the case of new passenger car tires, tire manufacturers are required to certify that those tires comply with all requirements of Standard No. 109. The certification need not be based on actual testing of the tires; the requirement is that the certification be made with due care on the part of the manufacturer (15 U.S.C. 1397(a)(1)(C)). It is up to the individual manufacturer to determine in the first instance what data, test results, or other information it needs to enable it to certify that its tires comply with Standard No. 109. If a tire manufacturer is certain that its tires will comply with the strength and resistance to bead unseating requirements, because of the tire's similarity to other complying tires or because the tires incorporate the design and manufacturing improvements referenced in the petition, for example, the manufacturer need not test its tires to establish that it exercised due care when certifying compliance with these performance requirements. Accordingly, the agency does not believe that the continuing existence of these performance requirements imposes an unreasonable burden for newer design tires. Based on these considerations, the petition for rulemaking is hereby denied.

(15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: May 5, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86-10459 Filed 5-8-86; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 51, No. 90
Friday, May 9, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

[S-507-502]

Certain In-Shell Pistachios From Iran; Notice of Clarification of Scope in the Antidumping Duty Investigation

AGENCY: International Trade Administration/Import Administration/ Department of Commerce.

ACTION: Notice.

SUMMARY: We have determined that roasted in-shell pistachios are properly within the scope of the antidumping duty investigation of in-shell pistachios from Iran. This is based upon our finding that roasted in-shell pistachios are of the same class or kind as raw in-shell pistachios. We will instruct the Customs Service to suspend liquidation, on all shipments of roasted in-shell pistachios from Iran, as of the date of the publication of the preliminary determination.

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Shimabukuro (202–377–5332), or Mary S. Clapp (202–377–1769), Office of Investigations, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Background

On September 26, 1985 petitioners filed a petition requesting that the ITA investigate shipments of in-shell pistachios from Iran, item 145.26 of the Tariff Schedules of United States (TSUS), to determine whether they are being sold in the United States at less than fair value. We initiated this investigation on October 16, 1985. On November 20, 1985, the ITC issued its preliminary affirmative determination of injury to a U.S. industry covering raw in-shell pistachios from Iran. The ITA published its preliminary affirmative determinaiton of sales at less than fair value of in-shelll pistachios from Iran on March 11, 1986. We instructed the Customs Service to suspend liquidation of imports of in-shell pistachios from Iran which were imported under TSUS item 145.26.

The ITA has received inquiries as to whether roasted in-shell pistachios were covered by the preliminary determination. In response, we are issuing this clarification of the scope of the investigation.

Products Under Investigation

Roasted in-shell pistachios are covered by TSUS classification number 145.53. The Department has determined that the scope of this investigation includes both raw and roasted in-shell pistachios from Iran. Raw and roasted are within the same class or kind. The Department has not differentiated between the two in its investigation and has consistently sought information from the Iranian producers/sellers regarding sales of all in-shell pistachios from Iran. Accordingly, the Department has not limited its investigation to the product in its raw form. The Department notes that in-shell pistachios are sold either raw or roasted. Therefore, the Department, by specifying in previous notices that its investigation, covered in-shell pistachios, intended to include all forms of that prouduct. The Department's use of TSUS classification number 145.26 does not limit its investigation cases where it discovers that an additional classification number would be appropriate to cover products already under investigation. *Royal Business Machines* v. *United States*, 1 CIT 80, 507 F. Supp. 1007 (1980), *aff'd* 69 CCPA 61, 669 f. 2d 692 (1982).

Suspension of Liquidation

Since we have determined that roasted in-shell pistachios are properly included in the class of in-shell pistachios being investigated, we are directing the United States Customs Service to suspend liquidation on all shipments of roasted in-shell pistachios from Iran as of the date of publication of the preliminary determination on March 11, 1986 (51 Fed. Reg. 8342). There is no allegation of "critical circumstances" with respect to roasted in-shell pistachios from Iran, therefore, the determination of critical circumstances included in our preliminary determination does not apply to roasted in-shell pistachios.

This noticer is published pursuant to section 733(f) of the Tariff Act of 1930, as amended (19 U.S.C. 1673b(f)).

John L. Evans,
Acting Deputy Assistant Secretary for Import Administration.

May 7, 1986.

[FR Doc. 86–10604 Filed 5–8–86; 8:45 am]
BILLING CODE 3510–DS–M

[A-351-503]

Antidumping Duty Order; Iron Construction Castings From Brazil

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: In an investigation concerning iron construction castings from Brazil (castings), the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that castings from Brazil are being sold at less than fair value and that sales of light castings from Brazil threaten material injury to a United States industry and that sales of heavy castings from Brazil are materially injuring a United States industry. Therefore, based on these findings, in accordance with the "Special Rule" provision of section 736(b)(2) of the Tariff Act of 1930, as amended (the Act), 19 U.S.C. 1673e(b)(2), all unliquidated entries, or warehouse withdrawals, for consumption of light castings from Brazil made on or after May 7, 1986, the date of publication in the **Federal Register** of an affirmative determination of threat of material injury by the International Trade Commission (ITC), will be liable for the assessment of antidumping duties. Furthermore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of heavy castings from Brazil made on or after October 28, 1985, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from

warehouse, for consumption made on or after the date of publication of this antidumping duty order in the Federal Register.

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: James Riggs or Charles Wilson, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–4929 or 377–5288.

SUPPLEMENTARY INFORMATION: The products covered by this order are certain iron construction castings, limited to manhole covers, rings and frames, catch basins, grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems, classifiable as heavy castings under item number 657.0950 of the *Tariff Schedules of the United States, Annotated* (TSUSA), and to valve, service and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters, classifiable as light castings under item number 657.0990 of the TSUSA. These articles must be of cast iron, not alloyed, and not malleable.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on October 28, 1985, the Department published its preliminary determination that there was reason to believe or suspect that castings from Brazil were being sold at less than fair value (50 FR 43591). On March 19, 1986, the Department published its final determination that these imports were being sold at less than fair value (51 FR 9477).

On April 25, 1986, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that importations of light castings threaten material injury to a United States industry and that importations of heavy castings materially injure a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of castings from Brazil. These antidumping duties will be assessed on all unliquidated entries of light castings entered, or withdrawn from warehouse, for consumption on or after May 7, 1986, the date of publication in the Federal Register of an affirmative determination of threat of material injury by the International Trade Commission (ITC), in accordance with the "Special Rule" provision of section 736(b)(2) of the Act, 19 U.S.C. 1673e(b)(2). These antidumping duties will be assessed on all unliquidated entries of heavy castings entered, or withdrawn from warehouse, for consumption on or after October 28, 1985, the date on which the Department published its "Preliminary Determination" notice in the Federal Register (50 FR 43591).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below:

Manufacturers/producers/exporters	Weighted-average (percent)
Fundicao Aldebara Ltda	58.74
Sociedade de Metalurgie E Processos Ltda	16.61
Usina Siderurgica Paraensa S.A	5.95
All other Manufacturers Producers Exporters	26.16

Article VI.5 of the General Agreement on Tariff and Trade provides that "(n)o product . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act, which prohibits assessing dumping duties on the portion of the margin attributable to export subsidies. In the final countervailing duty determination on iron construction castings from Brazil, we found export subsidies (51 FR 9491). Since dumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount. Thus, the amount of the export subsidies will be subtracted for deposit or bonding purposes from the dumping margins.

This determination constitutes an antidumping order with respect to iron construction castings from Brazil, pursuant to section 736 of the Act (19 U.S.C. 1673e) and section 353.48 of the Commerce Reguations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulation (19 CFR 353.48).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

May 5, 1986.

[FR Doc. 86–10487 Filed 5–8–86; 8:45 am]

BILLING CODE 3510-DS-M

[A-533-501]

Antidumping Duty Order; Iron Construction Castings From India

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: In an investigation concerning iron construction castings from India (castings), the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that castings from India are being sold at less than fair value and that sales of light castings from India threaten material injury to a United States industry and that sales of heavy castings from India are materially injuring a United States industry. Additionally, the Department found that "critical circumstances" did not exist with respect to castings from India. Therefore, based on these findings, in accordance with the "Special Rule" provision of section 736(b)(2) of the Tariff Act of 1930, as amended (the Act), 19 U.S.C. 1673e(b)(2), all unliquidated entries, or warehouse withdrawals, for consumption of light castings from India made on or after May 7, 1986, the date of publication in the Federal Register of an affirmative determination of threat of material injury by the International Trade Commission (ITC), will be liable for the assessment of antidumping duties. Furthermore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of heavy castings from India made on or after October 28, 1985, the date on which the Department published its "Preliminary Determination" notice in the Federal Register, will be liable for the assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the Federal Register.